IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

OP.No. 22336 of 1997(H)

PETITIONER:

M.M.ALI, S/O.LATE M.B.MAMMU,
ARUKKUMTHUDIYIL HOUSE, DESABHIMANI ROAD,
KALOOR, COCHIN -682 017.

BY ADV. SRI.N.N.SUGUNAPALAN

RESPONDENTS:
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1. MANAGING DIRECTOR, KERALA STATE CIVIL SUPPLIES CORPORATION, P.B.NO.2030, MAVELI BHAVAN, GANDHI NAGAR, KOCHI -20.

2. SECRETARY TO GOVERNMENT OF KERALA, FOOD AND CIVIL SUPPLIES DEPARTMENT, SECRETARIAT, TRIVANDRUM.

R1 SRI.LAKSHMI NARAYAN, SC, SUPPLYCO
R2 BY GOVT. PLEADER SMT.SMITHA BABU.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NOS.40091/97 & 30150/99 IN OP NO.22336 OF 1997 H

//DISMISSED//

01.06.2007. SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.

APPENDIX

PETIITONER'S EXHIBITS:

EXT.P1: TRUE COPY OF MEMORANDUM OF SETTLEMENT MADE BETWEEN THE KERALA STATE CIVIL SUPPLIES CORPORATION AND REPRESENTATIVES OF TRADE UNIONS.

EXT.P2: TRUE COPY OF G.O.RT.NO.393/90/F & CSD DATED 10.12.1990.

EXT.P3: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DT. 26.7.1996 IN O.P.NO.10162/91.

EXT.P4: TRUE COPY OF LETTER DT.6.6.97 SENT TO THE 1ST RESPONDENT BY THE PETITIONER'S ADVOCATE.

EXT.P5: TRUE COPY OF COMMUNICATION DT.6.8.97 SENT BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P6: TRUE COPY OF THE JUDGMENT IN O.S.NO.1373/87 OF THE COURT OF THE I ADDITIONAL MUNSIFF ERNAKULAM DT.21.10.1991.

EXT.P7: TRUE COPY OF THE JUDGMENT IN W.A.NO.1607/96 OF THIS HON'BLE COURT DATED 7.1.1998.

EXT.P8: A TRUE COPY OF CIRCULAR DT.10.4.99.

RESPONDENTS' EXHIBITS:

EXT.R1(A): PHOTO COPY OF THE LETTER NO.D6-20257/97 DATED 12.5.99.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.22336 OF 1997

Dated this the 1st day of June, 2007

JUDGMENT

The petitioner was working as 'helper' on daily wages in the Vegetable centre of the Maveli Store of the Kerala State Civil Supplies Corporation at Kaloor for more than three years. Indisputably, he was attached to the. It appears that the Corporation proceeded to terminate the services of all daily rated helpers. Ext.P1 settlement was arrived at between the trade unions and the Corporation. It contains, among other things, a clause as to regularisation of those who are in service. Following that, as per Ext.P2, certain persons have been regularised. In so far as the petitioner is concerned, though his disengagement is not referable to any count of discipline, the fact remains that his case was not considered. It is pointed out that in different other cases, similarly situated persons have been considered and regularisation granted. Having regard to the fact that the petitioner belongs to the economically lower strata of the society and because the matter touches his

livelihood, I deem it appropriate that the Corporation considers his case, at least for being engaged afresh, so that his sustenance could be assured, more so, having particular regard to the fact hat he had worked for three years for the Corporation and from 1988, the question as to whether he is entitled to the benefit of Ext.P1 settlement had been gaining attention of different authorities, including this Court and the Corporation. If the petitioner makes a representation for consideration as aforesaid, his case would be considered by the first respondent within a period of one month of receipt of such representation, accompanied by a copy of this judgment.

The writ petition is disposed of with the above direction.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.22336 OF 1997

JUDGMENT

1ST JUNE, 2007.

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